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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,506	12/14/2001	Heinz Koppl	1406/308	5589

25297 7590 09/26/2006

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EXAMINER

STEVENS, THOMAS H

ART UNIT PAPER NUMBER

2123

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/017,506

Applicant(s)

KOPPL ET AL.

Examiner

Thomas H. Stevens

Art Unit

2123

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 06 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-9.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
PAUL RODRIGUEZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: issues remain outstanding. Regarding claims 1 and 8 applicants admit Wilkinson's disclosure of multitone signals. While applicants state Wilkinson does not disclose a digital filter to model an analog circuit, there is prior art of this endeavor teaching a digital filter modeling an analog circuit. Applicants state that Wilkinson does not disclose "obtaining the nonlinear model for the analog circuit by adjusting the nonlinear model utilizing output signals for both the analog circuit and the nonlinear model in order to obtain the nonlinear model"; however, this limitation, verbatim, is not claimed. Furthermore, applicants state that Wilkinson does not disclose "at least one carrier being suppressed". One of ordinary skill in the art of RF communications would recognize downconversion as part of the process of extracting the carrier wave i.e., superheterodyning AM/FM receivers (see Wilkinson, pg 60, left column, 3rd paragraph "RF conversion"). Regarding claims 6 and 7, the Hjartson reference does not teach any simulation but does teach digital filtering (see column 6, lines 66-67 "A/D converter proceeds anti-alias filter"), while Wilkinson does teach simulation (see abstract), Rejection stands.

Although, the Office has indicated allowability of claim 3, claim 3's amendment ensued antecedent problems. Some lack antecedent supports, others are a matter of changing the article. Furthermore, other claims have the same problem. The following is a list and recommendations to correct these deficiencies:

Claim 1, lines 8 and 9, "the output file"  
 Claim 1, lines 15 and 16, "the intermodulation product"

Claim 3, line 7, "the analog circuit"  
 Claim 3, lines 9 and 10, "the output signal"  
 Claim 3, lines 15 and 16, "the intermodulation product"

Claim 6, lines 9 and 10, the output signal"  
 Claim 6, lines 15 and 16, "the intermodulation product" change to "intermodulation products"

Claim 8, line 6, "the signal inputs" suggestion: "signal outputs"  
 Claim 8, lines 9 and 10, "the output signal"  
 Claim 8, line 10, "the associated analog circuit" suggestion: "associated analog circuit"  
 Claim 8, line 15, "the output signal"  
 Claim, 8, line 16, "the intermodulation products"

Claim 9, line 2, "the test circuit"  
 Claim 9, line 2, "the multitone signal power ratio"  
 Claim 9, line 3, "the output signals"